

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

HP INC., a Delaware corporation; and
**HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.**, a Texas limited
partnership,

Plaintiffs,

v.

ZTHY TECH INC., a California corporation;
batterymon16, an entity of unknown form;
ehome007, an entity of unknown form;
elecbrain15, an entity of unknown form;
Idallian, an entity of unknown form; **irelia_jt**,
an entity of unknown form; **lol-electronic**, an
entity of unknown form; **shop-siker**, an entity
of unknown form; **shunwei2014**, an entity of
unknown form; **sunflower-electronic**, an
entity of unknown form; **suntek-wireless**, an
entity of unknown form; **yolanda_dh1**, an
entity of unknown form; and **DOES 1
through 20**,

Defendants.

Case No._1:19-cv-07210-RPK-RER

**APPLICATION FOR ENTRY OF
DEFAULT AGAINST DEFENDANT
IDALLIAN; SUPPORTING
DECLARATION OF LOUIS P.
FEUCHTBAUM**

Judge: The Honorable Rachel P. Kovner

TO THE CLERK OF THE ABOVE-TITLED COURT: As provided by Rule 55 of the Federal Rules of Civil Procedure, Plaintiffs HP, INC. and HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P. (“Plaintiffs”) hereby request an entry of default in this matter against Defendant Idallian (“Defendant”) on the ground that Defendant has failed to respond to the complaint within the time prescribed by the Federal Rules of Civil Procedure.

On February 18, 2020, the Honorable Ann M. Donnelly, United States District Judge of this court, entered an Order that granted Plaintiffs leave to serve this Defendant with all papers associated with this action via the email address that Defendant used to conduct business with eBay, as that email address would be revealed by eBay in response to Plaintiffs’ “VeRO complaint.” [ECF Document No. (“Doc.”) 12]

On March 3, 2020, in response to Plaintiffs' VeRO complaint, eBay disclosed that Idallian's email address, used for conducting business with eBay, is 2791130887@qq.com. Declaration of Louis P. Feuchtbaum ["Feuchtbaum Decl."], ¶ 1. On March 5, 2020, Plaintiffs served Defendant with the summons, amended complaint (Doc. 3, or "Complaint"), and a copy of the Order that allows service by email, among the other documents that had been filed with the Court at that time, in accordance with the requirements of the Court's February 18, 2020 Order. [Doc. 25]

Defendant was required to answer, or otherwise respond to the Complaint by March 30, 2020. *See* Fed. R. Civ. P. 12(a)(1) (requiring response to a complaint within 21 days after service of the summons and complaint); Fed. R. Civ. P. 6(d)(enlarging the time to respond by 3 days where service is accomplished by email). As of the date of this request, Defendant has failed to file an Answer, or any other responsive papers with the Court. Feuchtbaum Decl., ¶ 2. There are no known facts that should prevent entry of default against Defendant. Feuchtbaum Decl., ¶¶ 3-4.

RESPECTFULLY SUBMITTED,

Dated: April 6, 2020

/s/ _____
Louis P. Feuchtbaum
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Counsel for Plaintiffs HP Inc. and Hewlett-Packard Development Company, L.P.

DECLARATION OF LOUIS P. FEUCHTBAUM

I, Louis P. Feuchtbaum, hereby declare that I am an attorney at law, licensed to practice before the Courts of the State of New York, and before the United States District Court for the Eastern District of New York. I am a Partner at the law firm of Sideman and Bancroft, LLP, counsel for Plaintiffs HP, INC. and HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P. (“Plaintiffs”) in the above-titled action. The following facts are stated upon my own personal knowledge, unless otherwise indicated that they are stated on information and belief:

1. On March 3, 2020, in response to a VeRO complaint that Plaintiffs filed with eBay, eBay disclosed that Defendant Idallian (“Idallian”) uses 2791130887@qq.com as the email address through which it conducts business with Idallian. A true and accurate copy of eBay’s notification of Idallian’s email address is attached hereto as “Exhibit A.”

2. On March 5, 2020, Plaintiffs served Idallian with the summons, Complaint and other documents then filed in this action at the 2791130887@qq.com email address. That service was accomplished pursuant to Fed. R. Civ. P. 4(f), and according to an Order of this Court [Doc. 12]. Plaintiff filed a Proof of Service with this Court that attests to these facts [Doc. 25]. As of today’s date, Defendant has failed to file a pleading or otherwise respond to the complaint. The applicable time limit for responding to the complaint has expired.

3. On information and belief, Defendant is not a minor, nor an incompetent person, as evidenced by the fact that he/she has engaged in a long-standing and complex scheme to sell counterfeit products from Hong Kong into the United States.

4. On information and belief, Defendant is not currently in the military service of the United States, as evidenced by the fact that he/she operates a business from overseas, and appears to reside there. Therefore, the Servicemembers’ Civil Relief Act would not apply to him/her.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 6, 2020, in Berkeley, California, subject to penalty of perjury under the laws of the United States.

/s/
LOUIS P. FEUCHTBAUM